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On October 12, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Nina L. McNeill
Nina L. McNeill

PATENT
Attorney Docket No.: 20174C-002910US
Client Reference No.: CIT-3318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

B. Scott Driggs et al.

Appl. No. 10/045,132

Filed: October 23, 2001

For: Electrostatic Valves for
Microfluidic Devices

Customer No.: 20350

Confirmation No.: 2449

Examiner: Eric S. Keasel

Art Unit: 3754

REQUEST FOR EXCUSE OF ERROR IN ESTABLISHING SMALL ENTITY STATUS

10/18/2005 TBESH1 00000058 201430 10045132

01 FC:1001	790.00	DA
02 FC:1201	800.00	DA
03 FC:1051	130.00	DA
04 FC:1252	450.00	DA
05 FC:1801	790.00	DA
06 FC:1251	120.00	DA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, without intent to deceive, erroneously claimed small entity status in the above-identified application. Excuse of the error is requested. 37 CFR § 1.28(c).

The following is an itemization of the total deficiency payment due.

Payment	Small Entity Amount Paid	Current Large Entity Amount	Deficiency
Application	\$370 (10/23/01) Filing Fee 7 independent claims in excess of 3 (\$168) \$538	Filing Fee (\$300) Search Fee (\$500) Examination Fee (\$200) 7 independent claims in excess of 3 (\$1,400) \$2,400	\$1,862

Payment	Small Entity Amount Paid	Current Large Entity Amount	Deficiency
Response to Missing Parts of App	\$65 (04/11/02)	\$130	\$65
EOT (2 months)	\$210 (10/28/03)	\$450	\$240
RCE	\$395 (7/7/05)	\$790	\$395
EOT (1 month)	\$60 (7/7/05)	\$120	\$60
		Total	\$2,622

It is, thus, believed that the deficiency amount owed is \$2,622. Including the \$130 processing fee under 37 CFR § 1.17(i), the total amount due for excuse of the error is believed to be \$2,752, which the Office is authorized to deduct from Deposit Account No. 20-1430. Should the amount due be determined by the Office to be otherwise, the Office is authorized to deduct the determined amount from Deposit Account No. 20-1430. This Request is submitted in duplicate.

Respectfully submitted,

Pat M. Boucher
Patrick M. Boucher
Reg. No. 44,037

Date: October 12, 2005

TOWNSEND and TOWNSEND and CREW LLP
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PMB/nlm
60607345 v1



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/045,132
		Filing Date	October 23, 2001
		First Named Inventor	B. Scott Driggs
		Art Unit	3754
		Examiner Name	Eric S. Keasel
Total Number of Pages in This Submission		Attorney Docket Number	20174C-002910US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Excuse of Error in Establishing Small Entity Status Return Postcard
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Patrick M. Boucher		
Date	October 12, 2005	Reg. No.	44,037

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Nina L. McNeill	Date	October 12, 2005